

**Amendments to the Drawings:**

The attached five sheets of drawings replace all original sheets including Figs. 1, 2 and 3. The replacement drawings includes changes: 1) to Fig. 1 to indicate power for each of the transmitters on the left side and their general equality on the right side of the drawing; 2) to Fig. 2 to change the bottommost label of "OC-192" to "OC-48." The replacement drawings also include added Figs. 4A and 4B.

Attachment: Replacement Sheet(s)  
Annotated Sheets Showing Changes

### **REMARKS/ARGUMENTS**

Reconsideration of the present patent application, as amended, is respectfully requested.

In response to the Examiner's objections to the drawings, new drawings are submitted. In Fig. 1 power was indicated for each of the transmitters and a general equality of power at the receivers, as called for in the claims. The applicants also found a mismatch in data signal rates between the transmitters and receivers in Figs. 2 and 3 and elected to correct Fig. 2. The bottommost transmitter now reads, "OC-48."

Finally, Figs. 4A and 4B were added to match the amendments to the claims. Support for the drawings (and amended claims) may be found in the second paragraph of page 8 of the applicants' specification. The specification was amended on pages 5 and 11 to support and describe the added drawings. It should be evident that no new matter was added.

Substantively, of previously pending claims 1-33, all were rejected. Claims 1-2, 5-10, 13-18, 20-28 and 31-33 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,433,904, which issued August 13, 2002 to E.A. Swanson *et al.* Claims 3-4, 11-12, 19, and 29-30 were rejected under 35 U.S.C. §103(a) as being obvious over the cited Swanson patent in view of purported prior art. In response, the applicants have amended independent claims 1, 9, 16, 24, 32 and 33; claims 8, 15, 17, and 26 were canceled.

Using claim 1 as an example, the claim reads:

A method for transmitting a WDM signal:

modulating a first optical signal on a first wavelength with a first data signal having a first data rate to generate a first modulated optical signal having a first bandwidth;

modulating a second optical signal on a second wavelength with a second data signal having a second data rate to generate a second modulated optical signal having a second bandwidth, said second bandwidth being greater than said first bandwidth and said WDM signal comprising said first modulated optical signal and said second modulated optical signal; and

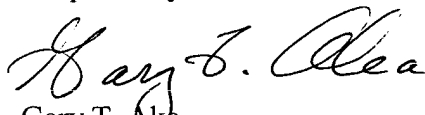
applying error correction coding to said first and second data signals such that said second data signal experiences a greater coding gain than said first data signal.

As the applicants understand the cited Swanson patent, error correction coding is not applied to said first and second data signals such that said second data signal experiences a greater coding gain than said first data signal, as called for in the claim. Rather, Swanson *et al.* apply error correction coding to one data channel ( $\lambda_2$ ), while the other channels are uncoded. See Fig. 3. Hence claim 1 is patentably distinguishable over the cited prior art and should be allowable. The other independent claims 9, 16, 24, 32 and 33 have similar language or limitations as claim 1 and, likewise, should be allowable.

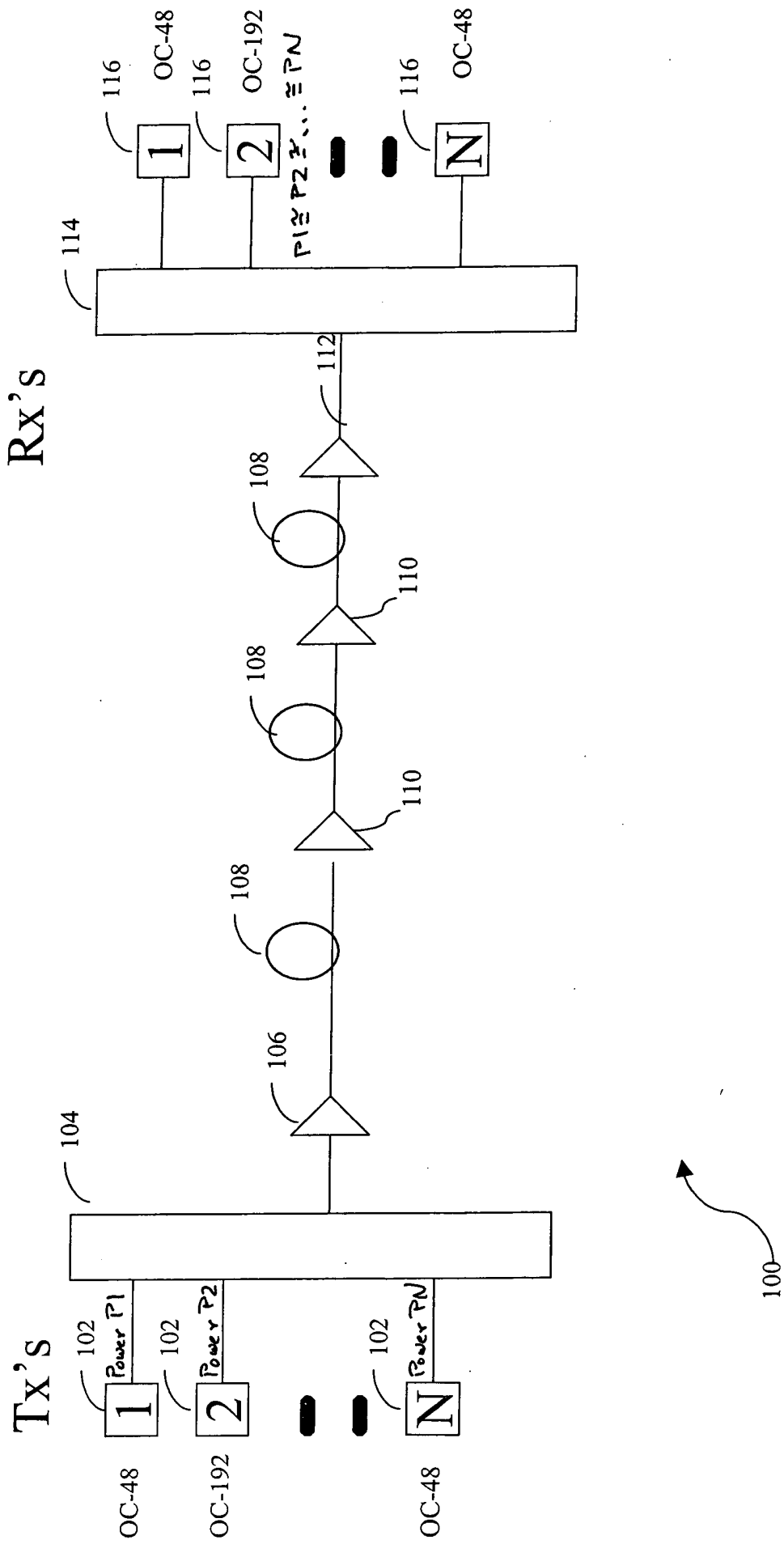
Dependent claims 2-7, 10-14, 17-23, 25, and 27-31 should also be allowable at least for being dependent upon allowable base claims.

Therefore, in view of the amendments above and the remarks directed thereto, the applicant request that all rejections be withdrawn, that claims 1-7, 9-14, 16, 18-25 and 27-33 be allowed, and the case be passed to issue. If a telephone conference would in any way expedite the prosecution of the application, the Examiner is asked to call the undersigned at (408) 446-7687.

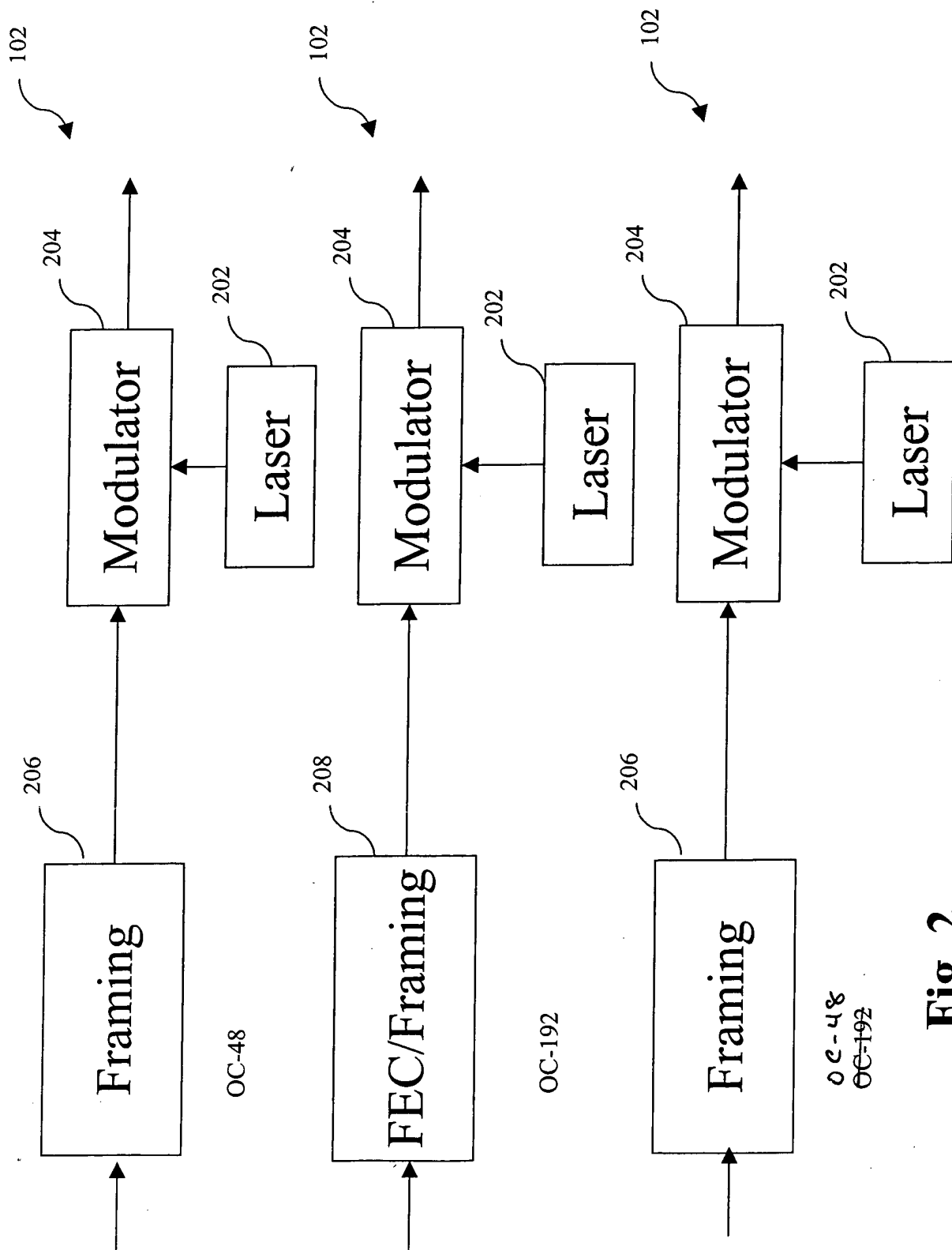
Respectfully submitted,

  
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**Fig. 1**



**Fig. 2**